

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

COLDWELL BANKER REAL ESTATE, LLC,

ORDER

Plaintiff,

14-cv-206-bbc

v.

DEREK M. LARSON,

Defendant.

In this civil action, plaintiff Coldwell Banker Real Estate, LLC alleges that defendant Derek M. Larson has been infringing and diluting plaintiff's trademarks and breaching the parties' contract since the parties' franchise relationship ended. Plaintiff seeks a preliminary injunction ordering defendant to stop using plaintiff's marks in defendant's real estate business. Dkt. #4. Defendant admitted to the infringing behavior in his response to plaintiff's motion, dkt. #15, but I could not issue an injunction at that time because plaintiff had not proposed specific language for the order, as required by Fed. R. Civ. P. 65(d). Now, plaintiff has filed a proposed injunction, dkt. #18. Defendant has not objected to the proposed injunction although he was given an opportunity to do so.

From my review of plaintiff's proposed injunction, I conclude that it complies with Fed. R. Civ. P. 65(d) in large part. I have disregarded any portion that was vague or included items beyond the scope of plaintiff's motion.

ORDER

IT IS ORDERED that plaintiff Coldwell Banker Real Estate LLC's motion for a preliminary injunction is GRANTED.

FURTHER, IT IS ORDERED that defendant Derek M. Larson is preliminarily enjoined during the pendency of this action from using in any manner the trademarks registered at 4,400,923; 4,175,759; 4,175,758; 3,254,878; 3,179,803; 3,179,802; 3,100,659; 2,745,034; 2,453,334; and 2,058,501 ("the Coldwell Banker Marks") in connection with defendant's real estate brokerage business and services on signage, advertising, websites, metatags, and real estate listings, including (without limitation) on defendant's website, www.cblarsonrealty.com, at defendant's office located at 1114 4th Avenue S (Hwy 13), Park Falls, WI 54552, and on third-party websites where defendant has profiles and listings related to his real estate business and services, such as:

1. <http://www.homefinder.com/broker/Coldwell-Banker-Larson-Realty---Pf-4308032d/>
2. <http://www.trulia.com/profile/derek-larson-agent-park-falls-wi-1453617/>
3. http://www.realtor.com/realestateagents/Derek-Larson_Park-Falls_WI_879174_43735990
4. <http://www.countryhomesofmichigan.com/member/38597>
5. <http://www.realestatebook.com/agents/usa/wi/phillips/dereklarson-id7522051>
6. <http://www.homes.com/real-estate-agents/derek-larson/id-5180945/>
7. <http://www.lakehousesofwisconsin.com/member/51880/about>

(collectively “Third Party Sites.”)

FURTHER, IT IS ORDERED that defendant is preliminarily enjoined during the pendency of this action from using in any manner the Coldwell Banker Marks in connection with defendant’s business or services in such a manner as to make it likely to create the erroneous belief that his business or services are authorized by, sponsored by, licensed by or in some way associated with Coldwell Banker.

FURTHER, IT IS ORDERED that defendant shall take immediate steps to remove all Coldwell Banker Marks and colorable imitations thereof from his own website, signage and advertising materials, and shall contact all Third Party Sites to update his profiles and listings to remove all references to Coldwell Banker and all Coldwell Banker Trademarks.

Entered this 16th day of May, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge